IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR

ORDER

S.B.CRIMINAL REVISION PETITION NO.1086/2006.

Ramesh Chand & Another. **VERSUS** State of Rajasthan & Another.

21.09.2006.

HON'BLE MR.JUSTICE DALIP SINGH

Mr.Raj Kamal Gaur, for the petitioner.
Mr.B.K.Sharma, Public Prosecutor.
Mr.Bipin Gupta, for the complainant.

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This revision petition has been filed by the accused petitioner who has been convicted by the learned trial court vide judgment dated 05.12.2002 for the offence under Section 138 of the Negotiable Instruments Act, 1881 and has been sentenced to six months simple imprisonment and a fine of Rs.5,000/-; in the default of payment of fine, to further undergo one month's simple imprisonment.

Being aggrieved by the judgment dated 05.12.2005 passed by the learned trial court, the petitioner preferred an appeal before the learned appellate court. The complainant has also filed a revision petition before the learned appellate court. Both the appeal and the revision petition were decided by the learned Additional Sessions Judge No.2, Bharatpur vide judgment 19.08.2006.

By the aforesaid judgment the sentence and conviction awarded by the learned trial court to the accused petitioner were maintained and the appeal dismissed and the revision petition filed by the complainant was allowed and in addition to the sentence, it was directed that the accused petitioner shall be liable to pay a sum of Rs.8,00,000/- by way of compensation to the complainant in

terms of Section 357 (3) and (4) Cr.P.C. read with the provisions of Negotiable Instruments Act, 1881.

Being aggrieved by the aforesaid judgment, this criminal revision petition has been filed under Section 397 read with Section 401 Cr.P.C.

After the filing of this revision petition, the parties have filed an application today i.e. On 21.09.2006 stating therein that the parties i.e. the accused petitioner and the complainant have entered into a compromise and a copy of the said compromise had also been filed before this court and it has been prayed that the revision petition may be ordered to be disposed of in view of the said compromise and in terms of Section 147 of the Negotiable Instruments Act, 1881. Section 147 of the Negotiable Instruments Act, 1881 reads as follows :-

> "**147. Offences to be compoundable.**- Notwithstanding anything contained in the Code of Criminal Procedure, 19783 (2 of 1974), every offence punishable under this Act shall be compoundable."

Shri Subhash Chand Jindal, partner of the firm Badriprasad Ramswaroop is personally present before the court and has been identified by Shri Bipin Gupta, Advocate. He admits to the fact that the parties have in fact compromised the subject matter and that the contents of the compromise are true and correct.

Keeping in view the aforesaid facts and the fact that the parties have compromised the matter as admitted by Shri Subhash Chand Jindal, partner of the complainant firm and keeping in view the provisions of Negotiable Instruments Act, 1881, this revision petition is disposed of in the light of the above compromise as having been compounded. The judgment of the sentence awarded by the

learned trial court dated 05.12.2002 as upheld by the learned appellate court and the order of compensation as ordered by the learned appellate court are set aside. The petitioner who is in District Jail, Bharatpur is ordered to be released forthwith, if not required in any other case.

The Registry is directed to issue the release order of the accused petitioner forthwith.

(DALIP SINGH),J.

Solanki DS, Jr.P.A.